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SUSAN B. WILLIS

(Name)

Susan B. Willis

(signature)

Date of signature

June 3, 2005**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
John H. Dunlap et al.	)	Group Art Unit: 2665
	)	
Serial No. 10/054,015	)	
	)	Examiner: Roberta A. Stevens
Filed: January 22, 2002	)	
	)	
For: User Transparent Internet Telephony	)	
Device and Method	)	Attorney Docket 1-37381

**REPLY TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Reply is in response to the Restriction Requirement mailed by the Examiner on April 8, 2005 setting a shortened statutory period for reply of three months. As this Reply is being mailed on June 3, 2005 under the Certificate of Mailing provisions of 37 C.F.R §1.8, it is timely.

No amendments to the specification, drawing, or claims are presented in this paper.

An Election with Traverse begins on page 2 of this paper.

### ELECTION WITH TRAVERSE

In the Restriction Requirement, the Examiner asserts that the claims as filed are drawn to three (3) distinct inventions, and requires election of one of the listed inventions. The Examiner grouped the claims as follows:

- I. Claims 1-19, drawn to selectively routing telephone calls to a computer network via either a modem or a network interface, classified in class 370, subclass 352.
- II. Claims 20-26, drawn to facilitating a telephone connection over a computer network based on querying a database and selecting an ITSP based on the querying, classified in class 370, subclass 352.
- III. Claim 27, drawn to selectively routing a call over a computer network by comparing the area code to a database and routing based on toll or non-toll calls, classified in class 379, subclass 221.02.

The Examiner states that the three inventions are related as subcombinations disclosed as usable together in a single combination. The Examiner asserts that the subcombinations are distinct from each other because they are separately usable. Specifically, the Examiner asserts that inventions II and III have separate utility such as to facilitate a telephone connection over a computer network based on querying a database and selecting an ITSP based on the querying as opposed to selectively routing a call over a computer network by comparing the area code to a database and routing based on toll or non-toll calls.

Applicants respectfully traverse the restriction requirement for the following reason. Applicants assert that the exemplary utilities listed by the Examiner fail to meet the burden detailed in MPEP §806.05(d), which states “The Examiner must show, by way of example, that one of the subcombinations has utility *other than in the disclosed combination*.” (emphasis added). The exemplary utilities provided by the Examiner for inventions II and III are utilities for the purported


combination disclosed in the application. Accordingly, the examples provided by the Examiner are insufficient under MPEP §806.05(d).

Applicants respectfully request that the Examiner withdraw the requirement for restriction and that all claims be examined on the merits. If, however, the Examiner disagrees with Applicants and makes the restriction requirement final, Applicants hereby elects claims 1-19 (Group I) for current examination. As stated above, this election is made with traverse and simply to further prosecution of this application.

Applicants make the election of claims 1-19 without prejudice or disclaimer. Further, Applicants reserve the right to resubmit the non-elected claims as well as submit additional claims directed to the non-elected group, either through rejoinder practice or otherwise.

Applicants believe this Reply to be fully responsive to the Restriction Requirement mailed on June 2, 2005. If, however, the Examiner believes that additional communication is necessary, Applicants respectfully request that he contact the attorney listed below.

Respectfully submitted,



J. Matthew Buchanan  
Registration No. 47,459

Dated: June 3, 2005

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